

Notice of Allowability

Application No.

10/762,261

Examiner

Jeffrey Sharp

Applicant(s)

WU, CHUN FU

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/12/2005.
2. ☒ The allowed claim(s) is/are 5-8.
3. ☒ The drawings filed on 1/12/2005 and 1/3/2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 2/9/2005
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

This Office Action is responsive to Applicant's amendment filed 12 January 2005.

Status of Claims

[1] New Claims 5-8 are allowable over the prior art as amended in view of the following examiner's amendment. Claims 1-4 have been cancelled by Applicant.

Drawings

[2] All drawing objections outlined in the Office Action dated 19 August 2004 have been addressed by Applicant, and withdrawn by the Examiner. Annotated sheet submitted on 12 January 2005 showing Figure 1 corrections has been accepted.

Specification

[3] Applicant has addressed all objections to the specification in the amendment filed 12 January 2005. Accordingly, all objections to the disclosure have been withdrawn by the Examiner.

Response to Arguments

[4] Applicant's arguments filed 12 January 2005 have been fully considered and are persuasive. The prior art does not provide sufficient motivation for combining the Sutt Jr.'585 and Leistner '419 references. Accordingly, the Examiner has withdrawn all previous rejections over Sutt Jr.'585 v. Leistner '419.

Allowable Subject Matter

- [5] New claims 5-8 are allowed in view of the following Examiner's amendment.

EXAMINER'S AMENDMENT

- [6] An examiner's amendment to the record appears below. Authorization for this examiner's amendment was given in a telephone interview with John Guice on 2/4/2005.

- [7] The application has been amended by the examiner as follows:

The word --OF-- has replaced the word 'OOF' in the first line (title) of the abstract.

The word --on-- has been inserted between 'located' and 'one' on line 10 of claim 5.

The word --on-- has been inserted between 'lines' and 'one' on line 4 of claim 8.

Reasons for Allowance

- [8] The following is an examiner's statement of reasons for allowance:

The prior art (in particular, previously cited Sutt Jr. '585) essentially discloses a single planar portion underneath the heads of collated t-shaped nails, which defines a symmetrical and acute nailing portion with respect to a left or right flat nail side.

The prior art (in particular, previously cited Sutt Jr. '585), however, does not teach the brad strip substantially disclosed by Applicant. Sutt Jr. '585 v. Leistner '419 would not obviously suggest symmetrical '*oblique insert members*' under the head as disclosed in claim 5, that is, being defined separately from the lower plane of the head, between a lower horizontal plane of the head (parallel to the top flat striking surface) and one of the flat left and right

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sides/connecting portions by an acute angle. The acute angle forms a sharp nailing portion with one edge residing in said one of the left and right sides/connecting portions, and another edge residing in the inclined plane. Further, it would be unobvious to have a ratio in length of two to one (horizontal plane length to inclined plane length, respectively). It is to be noted that Webster's defines a '*plane*' as '*a surface of such nature that a straight line joining two of its points lies wholly in the surface*'. Accordingly, both horizontal and inclined planes have at least one inherent 'length' that can be measured with respect to each other (pertinent to claim 6). The inclined plane and horizontal plane have been interpreted as not being co-planar, as an '**inclined plane**' cannot also be a '**horizontal plane**'. The top flat striking surface of the head is parallel to the horizontal plane, and thus is also 'horizontal'.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

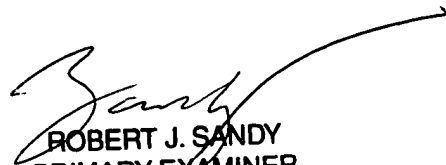
[9] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is currently (703) 305-0426, but will change to (571) 272-7074 in April 2005 due to a move to the Alexandria, VA campus. The examiner can normally be reached on 7:30 am - 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS



ROBERT J. SANDY
PRIMARY EXAMINER